Document No. 4181
Voted at Meeting of 3/18/82

BOARD OF APPEAL REFERRALS March 18, 1982

1.	Z-5534	Aldo Ruscito 8 Aldo Terrace, Hyde Park
2.	Z-5541	John O'Neil 481 East Sixth Street, South Boston
3.	Z-5543	Charles Cassidy 9a Monument Square, Charlestown
4.	Z-5546	Gibbs Oil, Div. of BP, Inc. 1820 Hyde Park Avenue, Hyde Park
5.	Z-5549	Leon P. J. Drysdale 2038 Dorchester Avenue, Dorchester
6.	Z-5550	John Bethoney 100 (rear) Allandale Street, Jamaica Plain
7.	Z-5551	Pasquale V. Rao 89-91 Myrtle Street, Boston
8.	Z-5552	Nancy L. Primm 115 Union Street, Brighton
9.	Z-5553	Martha Carney 3 Saxton Street, Dorchester
10.	Z-5555	A. W. Perry, Inc. 112-132 Bedford Street, 97-99 Summer St., 20-26 Kingston St., Boston
11.	Z-5556	Anthony J. Plant & India St. Realty Trust Co. 31-35 India Street, Boston
12.	Z-5557	Dorothy Abbe, Eastern Harbor Associates, Inc. 50 Redfield Street, Dorchester
13.	Z-5559	Cosmo J. Mignosa 385A-387 West Broadway, South Boston
14.	Z-5567	John F. Reen 63 Chestnut Hill Ave., Brighton
15.	Z-5570, 5572	Burger King Corp & DKT Realty Trust 4594 & 5572 Washington Street, Roslindale
16.	Z-5584	The President and Fellows of Harvard College 25 Shattuck Street, Roxbury

MEMORANDUM March 18, 1982

TO: BOSTON REDEVELOPMENT AUTHORITY

FROM: Robert J. Ryan, Director

SUBJECT: BOARD OF APPEAL REFERRALS

Hearing: 4/6

Z-5534
Aldo Ruscito
8 Aldo Terrace, Hyde Park
near Williams Ave

One story structure

District(s): apartment_____ general business_____ industrial_____
residential_____ local business_____ waterfront_____
single family S-.5 manufacturing_____

Purpose: enlarge and enclose rear porch

Violation(s):
Section
19-1 Side yard is insufficient
20-1 Rear yard is insufficient

One family dwelling is located at end of cul de sac private way. Porch work is completed. No adverse affect. Abutters have no objections. Recommend approval.

VOTED: In reference to petition Z-5534, brought by Aldo Ruscito, 8 Aldo Terrace, Hyde Park, for two variances to enlarge and enclose rear porch in a single family (S-.5) district, the Boston Redevelopment Authority recommends approval. One family dwelling is located at end of cul de sac private way. Porch work is completed. No adverse affect. Abutters have no objections.

Z-5534
8 ALDO TERRACE
(H.P.)
(PROPOSED STREET)
WILLIAMS
HIGHLAND
POND
MT PLEASANT
STREET
FLORAL
NEPONSET
WALL
DANA
GARFIELD
LORING
PL.
FARMOUNT ELEMENTARY SCHOOL
SUMMIT
WASHINGTON
AVE.
FARMOUNT PUB. H. PROJECT
HOUS NO.
BOSTON, MASS.

Board of Appeal Referrals 3/18/82

Hearing:4/6

Z-5541
John O'Neil
481 East Sixth St, South Boston
at H Street

Three story structure

District(s): apartment H-1-50 general business _____ industrial _____
residential _____ local business _____ waterfront _____
single family _____ manufacturing _____

Purpose: change occupancy from two family dwelling and store to three family dwelling

Violation(s):

Section

8-7 Dwelling converted for more families which meets less than half of the open space requirements is forbidden in an H-1-50 district

17-1 Open space is insufficient

Conversion of former delicatessen is compatible with residential character of neighborhood. Recommend approval.

VOTED: In reference to petition Z-5541, brought by John O'Neil, 481 East Sixth Street, South Boston, for a forbidden use and variance for change of occupancy from two family dwelling and store to three family dwelling in an apartment (H-1-50) district, the Boston Redevelopment Authority recommends approval. Conversion of former delicatessen is compatible with residential character of neighborhood.

Z-5541

481 EAST SIXTH ST.

(S. B.)

Board of Appeal Referrals 3/18/82

Hearing: 4/6

Z-5543
Charles Cassidy
9a Monument Square, Charlestown
near Chestnut Street

Four story structure

District(s): apartment H-1 | general business _____ | industrial _____
residential _____ | local business _____ | waterfront _____
single family _____ | | manufacturing _____

Purpose: Legalize occupancy - five apartments

Violation(s):

Section

8-7 Dwelling converted for more families which meets less than half of lot area and open space requirements is forbidden in an H-1 district
14-2 Lot area is insufficient
17-1 Open space is insufficient

Condition existing. Owner occupant has substantially renovated structure. Abutters and neighbors indicate no opposition. Recommend approval.

VOTED: In reference to petition Z-5543, brought by Charles Cassidy, 9a Monument Square, Charlestown, for a forbidden use and two variances to legalize occupancy for five apartments in an apartment (H-1) district, the Boston Redevelopment Authority recommends approval. Condition existing. Owner occupant has substantially renovated structure. Abutters and neighbors indicate no opposition.

BUNKER HILL
MONUMENT SQUARE
WINTHROP SQUARE
THOMPSON SQUARE
HARVARD SQUARE
Z-5543
9A MONUMENT SQ
(CHSN.)

Board of Appeal Referrals 3/18/82

Hearing: 4/6

Z-5546
Gibbs Oil, Div. of BP Inc
1820 Hyde Park Ave, Hyde Park
at Neponset Valley Parkway

Gas service station

District(s):					
	apartment		general business		industrial
	residential		local business	L-.5	waterfront
	single family				manufacturing

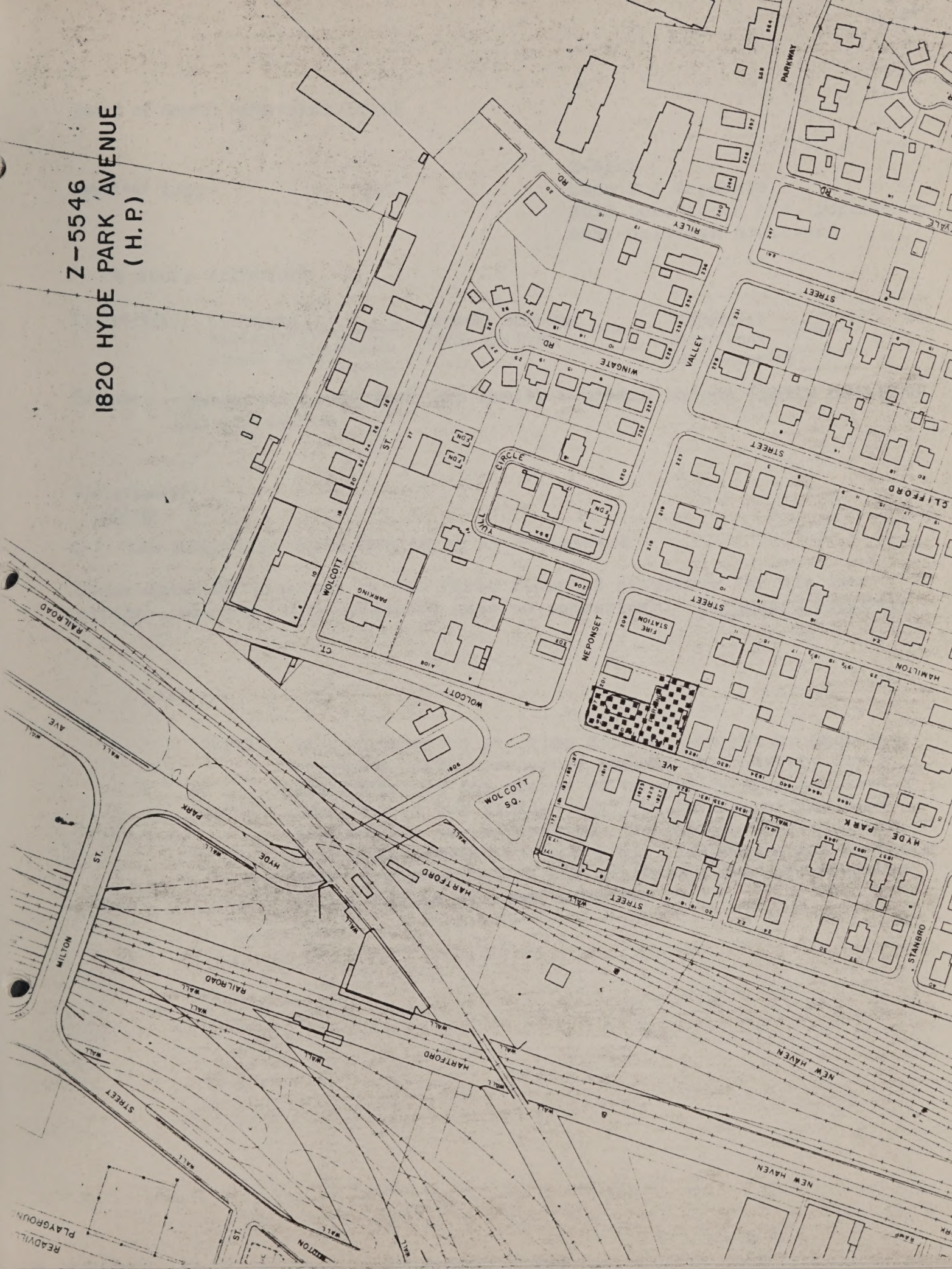
Purpose: install 10,000 gallon underground gasoline storage tank

Violation(s):
Section

8-6 Increase in pre-existing conditional use

Last October Authority recommended approval of similar petition however appellant could not appear at public hearing because of illness and Board of Appeal dismissed it without prejudice. Additional storage will increase capacity to 32,000 gallons. Proposal is consistent with that of many other service stations to reduce frequency of bulk deliveries. No objections. Recommend approval with proviso.

VOTED: In reference to petition Z-5546, brought by Gibbs Oil, 1820 Hyde Park Avenue, Hyde Park, for a conditional use to install a 10,000 gallon underground gasoline storage tank in a local business (L-.5) district, the Boston Redevelopment Authority recommends approval provided that operating hours are not increased.


Z-5546
1820 HYDE PARK AVENUE
(H.P.)
WOLCOTT
WOLCOTT SQ.
NEPONSET
CIRCLE
WINGATE
VALLEY
RILEY
PARKWAY
CLIFFORD
HAMILTON
HYDE PARK
STANGRO
MILTON
HARTFORD
NEW HAVEN
RAILROAD
STREET
AVE.
PARKING
FIRE STATION

Board of Appeal Referrals 3/18/82

Hearing: 3/30

Z-5549
Leon P J Drysdale
2038 Dorchester Ave, Dorchester
near Gallivan Boulevard

2½ story structure

District(s): apartment_____ general business_____ industrial_____
residential R-.8 local business_____ waterfront_____
single family_____ manufacturing_____

Purpose: change occupancy from two family dwelling to one family dwelling and law office

Violation(s):
Section

8-7 Law office is forbidden in an R-.8 district

Owner-attorney proposes to use first floor of structure for his law office. Abutters and neighbors have no opposition. Recommend approval.

VOTED: In reference to petition Z-5549, brought by Leon P.J. Drysdale, 2038 Dorchester Avenue, Dorchester, for a forbidden use for change of occupancy from two family dwelling to one family dwelling and law office in a residential (R-.8)district, the Boston Redevelopment Authority recommends approval. Neighbors and abutters have no opposition to use of first floor of structure as law office of owner-attorney.

Z-5549
2038 DORCHESTER AVE.
(DOR.)
BOSTON
HOME
FOR
INCURABLES
FULLER
MERCIER
BEALE
STREET
AVENUE
ROAD
HURLCROFT
AVENUE
HUTCHINSON
STREET
HURON
STREET
BLVD.

Board of Appeal Referrals 3/18/82

Hearing: 4/6

Z-5550
John Bethoney
100 (rear) Allandale Street,
Jamaica Plain
near Elwell Road

Two story structure

District(s): apartment_____ general business_____ industrial_____
residential_____ local business_____ waterfront_____
single family S-.3 manufacturing_____

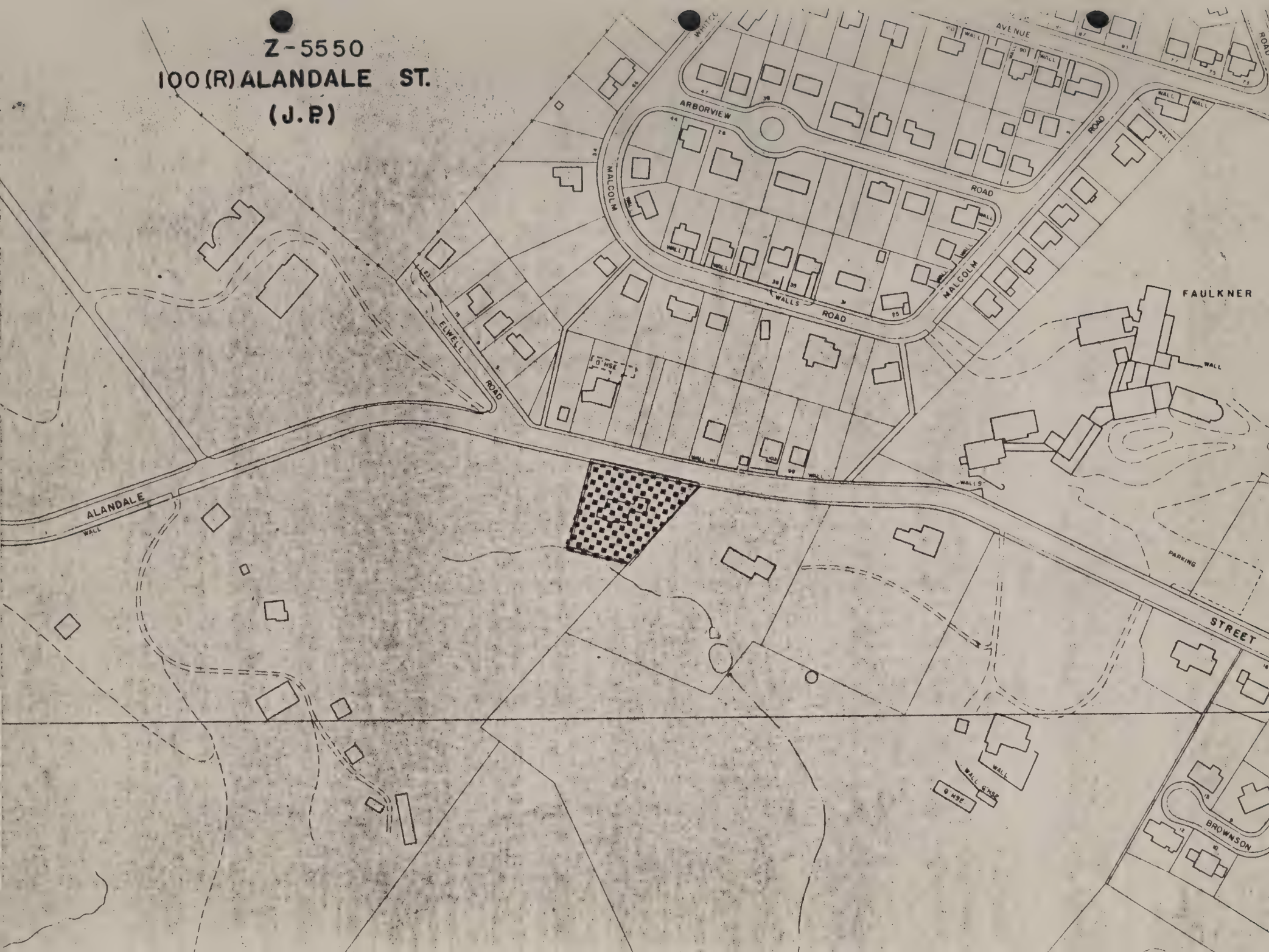
Purpose: erect one story metal equestrian stable for 16 horses and indoor riding area

Violation(s):

Section	
8-7	Private riding academy with accessory stable facilities for 16 horses is forbidden in an S-.3 district
20-1	Rear yard is insufficient

Similar petition was denied by Board of Appeal last year with Authority concurrence. Facility would be used as riding academy with limited private membership. Reaction is mixed; petitioner should consult with abutters and neighbors to resolve concerns. Recommend denial.

VOTED: In reference to petition Z-5550, brought by John J Bethoney, 100 (rear) Allandale Street, Jamaica Plain, for a forbidden use and variance to erect one story equestrian stable for sixteen horses and indoor riding area in a single family (S-.3) district, the Boston Redevelopment Authority recommends denial. Facility would be used as riding academy with limited private membership. Reaction is mixed; petitioner should meet with abutters and neighbors to resolve concerns.


Z-5550
100 (R) ALANDALE ST.
(J.P.)
ARBORVIEW
ROAD
MALCOLM
WALLS ROAD
ELWELL
ROAD
ALANDALE
WALL
FAULKNER
WALL
PARKING
STREET
BROWNSON
AVENUE

Board of Appeal Referrals 3/18/82

Hearing: 3/30

Z-5551
Pasquale V Rao
89-91 Myrtle Street, Boston
at Anderson Street

District(s): apartment H-2-65 general business _____ industrial _____
residential _____ local business _____ waterfront _____
single family _____ manufacturing _____

Purpose: change occupancy from five apartments and store to seven apartments and real estate office

Violation(s):
Section
9-2 Change in non conforming use

Occupancy has existed over twenty five years. Recommend approval.

VOTED: In reference to petition Z-5551, brought by Pasquale V Rao, 89-91 Myrtle Street, Boston, for change in non conforming use for change of occupancy from five apartments and store to seven apartments and real estate office in an apartment (H-2-65) district, the Boston Redevelopment Authority recommends approval. Occupancy has existed over twenty five years.

Z-5551
89-91 MYRTLE ST.
(B.P.)
CHARLES RIVER SQ.
REVERE
PINCKNEY
MYRTLE
LOUISBURG SQUARE
BRANCH
LIME
VERNON
CHESTNUT PLACE
BYRON
EMBANKMENT ROAD
CHARLES RIVER
PARKING GARAGE
CHURCH OF THE ADVENT (EPISC.)
CARNEGIE INSTITUTE
POND

Board of Appeal Referrals 3/18/82

Hearing: 3/30

Z-5552
Nancy L Primm
115 Union Street, Brighton
at Winship Street

2½ story structure

District(s): apartment_____ general business_____ industrial_____
residential R-.8 local business_____ waterfront_____
single family_____ manufacturing_____

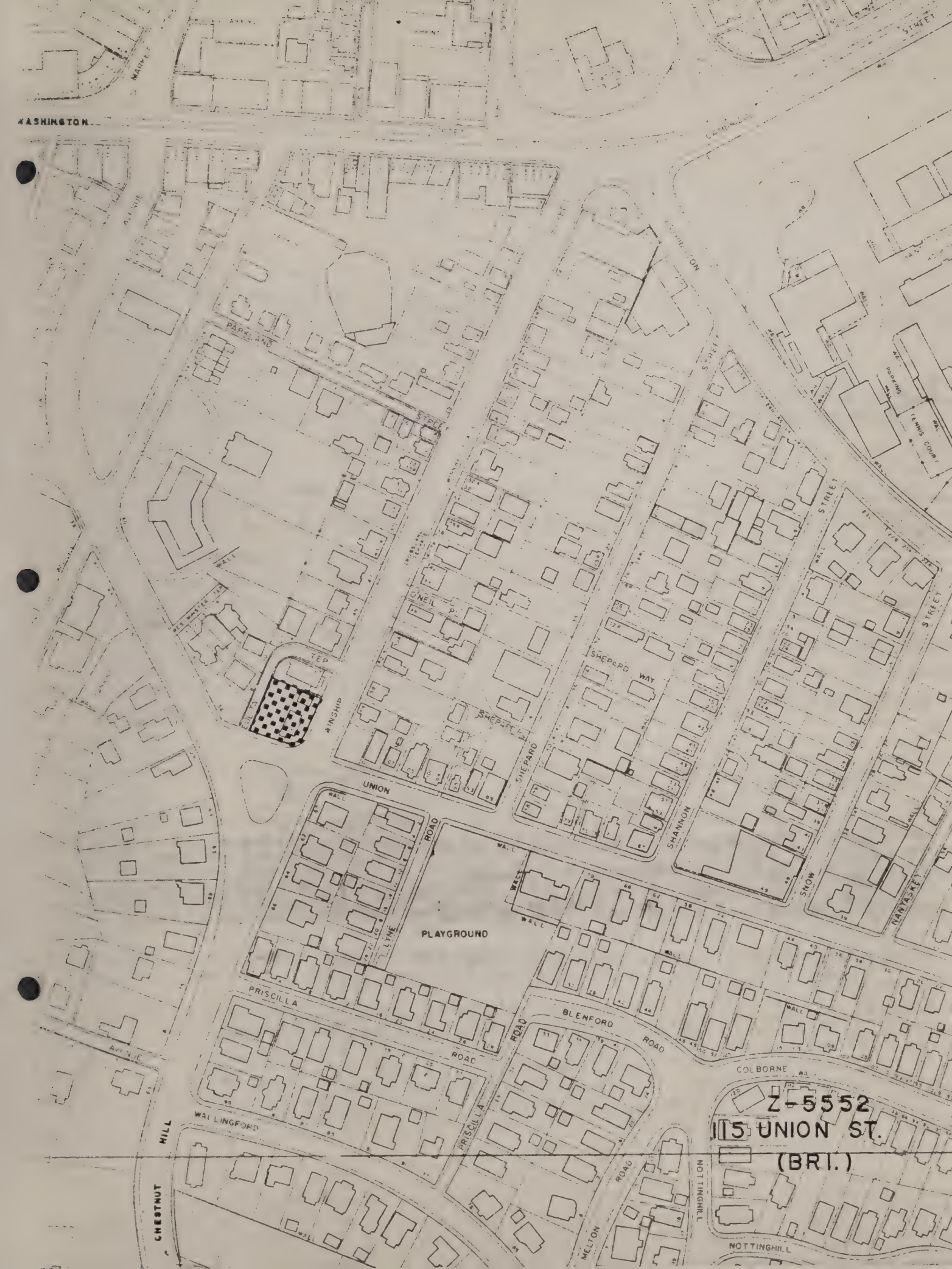
Purpose: erect four-six foot high fence around property

Violation(s):
Section

18-3 A fence which is more than 2½ feet above curb of abutting street is not allowed.

Proposed wooden fence to replace existing two foot chain link would buffer noise and ensure privacy in garden area of property which is sloped on Winship Street side. Abutters have expressed no opposition.

VOTED: In reference to petition Z-5552, brought by Nancy L. Primm, 115 Union Street, Brighton, for a variance to erect fence around property in a residential (R-.8) district, the Boston Redevelopment Authority recommends approval provided plans are submitted for design review.


WASHINGTON
PARKLAND
O'NEIL PL.
SHEPARD WAY
SHEPARD
SHANNON
STREET
UNION
ROAD
WALL
PLAYGROUND
LYNE
PRISCILLA
BLENFORD
COLBORNE
WALLINGFORD
CHESTNUT HILL
NOTTINGHILL
MELTON
SNOW
NANTASKET
Z-5552
115 UNION ST.
(BRI.)

Board of Appeal Referrals 3/18/82

Hearing: 3/30

Z-5553
Martha Carney
3 Saxton St, Dorchester
near Savin Hill Ave

Three story structure

District(s): apartment H-1 | general business _____ | industrial _____
residential _____ | local business _____ | waterfront _____
single family _____ | manufacturing _____

Purpose: change occupancy from three family dwelling to five apartments

Violation(s):

Section

8-7 Any dwelling converted for more families which does not meet the requirements of lot area and open space is forbidden in an H-1 district
14-2 Lot area is insufficient
17-1 Open space is insufficient

Proposed five unit occupancy is unreasonable and overcrowds the structure. One abutter expressed opposition; no other neighborhood response. Recommend denial.

VOTED: In reference to petition Z-5553, brought by Martha Carney, 3 Saxton Street, Dorchester, for a forbidden use and two variances for change of occupancy from three family dwelling to five apartments in an apartment (H-1) district, the Boston Redevelopment Authority recommends denial. Proposed five unit occupancy is unreasonable and overcrowds the structure. Abutter is opposed.

ROMSEY
PARKING
ROMSEY PLACE
BELFORT
ST WILLIAM R.C. CHURCH
ST WILLIAM
HALLAM
ELTON
HARTLAND
THORNLEY
SAGAMORE
SAXTON
AVENUE
STREET
NEW YORK NEW HAVEN AND HARTFORD RAILROAD
Z-5553
3 SAXTON ST
(DOR.)

Board of Appeal Referrals 3/18/82

Hearing: 3/30

Z-5555
A W Perry Inc
112-132 Bedford St, 97-99 Summer St, 20-26 Kingston St, Boston

Parking lot

District(s):					
	apartment		general business	B-10	industrial	
	residential		local business		waterfront	
	single family				manufacturing	

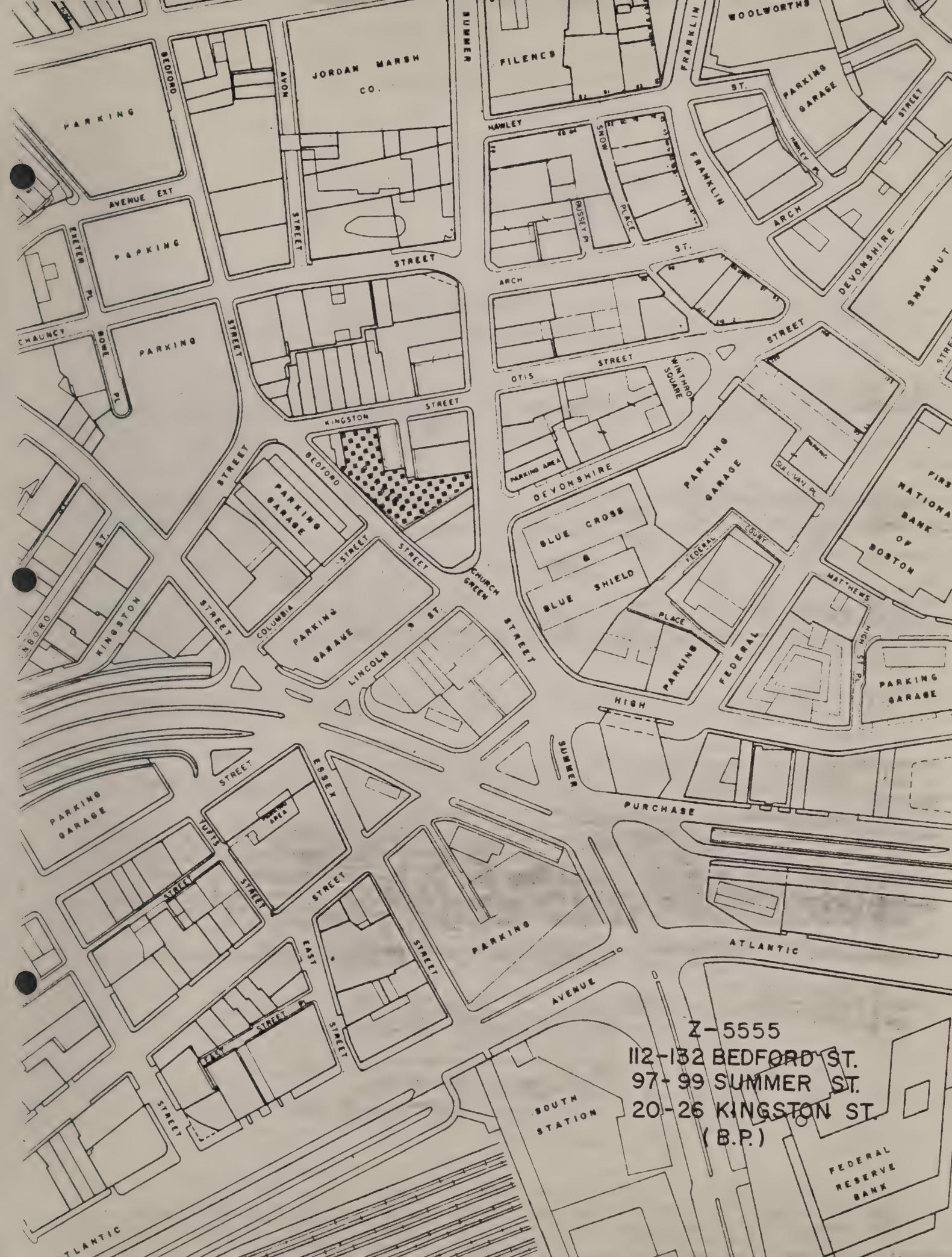
Purpose: continue use of public parking lot

Violation(s):

Section	
8-7	Parking lot is conditional in a B-10 district

In 1973, 1975, 1979, 1980 Authority has recommended approval of similar petitions with two year time limit and Board of Appeal concurred. No objections to additional two year extension. Recommend approval with provisos.

VOTED: In reference to petition Z-5555, brought by A W Perry, Inc, 112-132 Bedford Street, 97-99 Summer Street, 20-26 Kingston Street, Boston, for a conditional use to continu use of public parking lot in a general business (B-10) district, the Boston Redevelopment Authority recommends approval with the following provisos: that conditional use be extended for two years; that the barriers be maintained at all times to prevent entrance or exit from Summer Street and to prevent overhanging of sidewalk on entire lot frontage.



Z-5555
112-132 BEDFORD ST.
97-99 SUMMER ST.
20-26 KINGSTON ST.
(B.P.)

Board of Appeal Referrals 3/18/82

Hearing: 3/30

Z-5556
Anthony J Plant
India St Realty Trust Co
31-35 India Street, Boston
at Custom House Street

Five story structure

District(s): apartment_____ general business B-10 industrial_____
residential_____ local business_____ waterfront_____
single family_____ manufacturing_____

Purpose: erect one story addition to office building

Violation(s):

Section	
20-1	Rear yard is insufficient
21-1	Setback of parapet is insufficient

Petitioner has permit to renovate existing floors of structure. Plans for addition are being reviewed with staff. Recommend approval with proviso.

VOTED: In reference to petition Z-5556, brought by Anthony J. Plant & India St. Realty Trust Co., 31-35 India Street, Boston, for two variances to erect a one story addition to an office building in a general business (B-10) district, the Boston Redevelopment Authority recommends approval provided plans including penthouse setback, sloping wall, dormer windows, anodized metal cladding be submitted to the Authority for design review.

Z-5556
31-35 INDIA ST.
(B.P.)

Board of Appeal Referrals 3/18/82

Hearing: 3/30

Z-5557
Dorothy Abbe
Eastern Harbor Associates Inc
50 Redfield Street, Dorchester
at Woodworth Street

Vacant land

District(s): apartment_____ general business_____ industrial_____
residential_____ local business_____ waterfront_____
single family_____ manufacturing M-1

Purpose: erect three story office structure

Violation(s):
Section

15-1 Floor area ratio is excessive
16-1 Number of stories is excessive

Property is abutted by Southeast Expressway and MBTA Red Line. Petitioner has met with residents groups and committees. Reduction to three story structure from original plan of four stories is amenable. Sewer system has been designed not to increaae existing problems and ingress-egress routes have been satisfactorily resolved. Recommend approval with proviso.

VOTED: In reference to petition Z-5557, brought by Dorothy Abbe Eastern Harbor Associates Inc, 50 Redfield Street, Dorchester, for two variances to erect three story office building in a manufacturing (M-1) district, the Boston Redevelopment Authority recommends approval provided plans are submitted for design review. Petitioner has met with residents groups and committees. Reduction to three story structure from original plan of four stories is amenable. Sewer system has been designed not to increase existing problems and ingress-egress routes have been satisfactorily resolved.

Z-5557
50 REDFIELD ST.
(DOR.)
ERICSSON STREET
PLAYGROUND
TENEAN STREET
LAWLEY STREET
PORT NORFOLK STREET
WATER STREET
FRANKLIN ST.
WILLIAM J. MORRISSEY EXPRESSWAY
REDFIELD
WOODWORTH
BERRY ST.
WALNUT STREET
TAYLOR
RICE ST.
LORENZO
OAKMAN
PHILIP ST.
SOUTH BOSTON BEACH
MUD
WALL
RIVER

Board of Appeal Referrals 3/18/82

Hearing: 4/6

Z-5559
Cosmo J Mignosa
385a-387 West Broadway
South Boston
near E Street

One story structure-2½ story structure

District(s): apartment_____ general business B-2 industrial_____
residential_____ local business_____ waterfront_____
single family_____ manufacturing_____

Purpose: change occupancy from one family dwelling and store to apartment, store and clubhouse; subdivide

Violation(s):

Section	
14-1	Lot area is insufficient
20-1	Rear yard is insufficient

Subdivision will create separate lots for existing structures on property presently extending from West Broadway to Silver Street. Violations are techincal and existing. Recommend approval.

VOTED: In reference to petition Z-5559, brought by Cosmo J. Mignosa, 385a-387 West Broadway, South Boston, for two variances to subdivide and change occupancy from one family dwelling and store to apartment, store and clubhouse in a general business (B-2) district, the Boston Redevelopment Authority recommends approval. Separate lots on West Broadway and Silver Street will not adversely affect neighborhood.

Z-5559

385A-387 WEST BROADWAY

(S B.)

Board of Appeal Referrals 3/18/82

Hearing: 4/6

Z-5567
John F Reen
63 Chestnut Hill Ave, Brighton
near Winship Street

2½ story structure

District(s):			
apartment_____	general business_____	industrial_____
residential_____	local business_____	waterfront_____
single family S-.5		manufacturing_____

Purpose: erect one story addition to funeral home-one family dwelling

Violation(s):

Section	
8-7	Funeral home is forbidden in an S-.5 district
14-2	Lot area is insufficient

Proposed rear addition will provide a second chapel and basement storage facility. Ten parking spaces are provided. No neighborhood response. Recommend approval with proviso.

VOTED: In reference to petition Z-5567, brought by John F. Reen, 63 Chestnut Hill Avenue, Brighton, for a forbidden use and variance to erect a one story addition to a funeral home and one family dwelling in a single family (S-.5) district, the Boston Redevelopment Authority recommends approval provided plans are submitted for design review.

Z-5567
63 CHESTNUT HILL AVE.
(BRI.)
PLATT WALLS ROAD
DELANEY CIRCLE
STREET
MICHAEL RD.
RUSHMORE
RUSHMORE STREET
GEN. AVE.
BRADDOCK
WM. JACKSON
ACADEMY HILL
AVENUE
PARKING
EULITA TER
WINSHIP
O'NEIL PL.
SHEPARD WAY
SHEPARD PL.
SHEPARD
SHANNON
UNION
ROAD
LYNE
PLAYGROUND
PRISCILLA
ROAD
BLENFORD
ROAD
WALLINGFORD
PRISCILLA
MELTON
ROAD
NOTTINGHILL
LEDGEMERE
ROAD
WILTSHIRE
ROAD
HATHERLY
TENNIS COURT
HILL
AVE.
WALL

Board of Appeal Referrals 3/18/1982

Z-5584

Hearing: 3/30

The President and Fellows of Harvard College
25 Shattuck Street, Roxbury
near Blackfan Street

6 story research building

District(s): apartment H-3 general business _____ industrial _____
residential _____ local business _____ waterfront _____
single family _____ manufacturing _____

Purpose: Construct pedestrian bridge over Shattuck Street.

Violation(s):

Section	
8-6	Change in the structure of a pre-existing conditional use requires Board of Appeal approval.
18-1	Front yard is insufficient.

The pedestrian bridge over Shattuck Street is to connect an existing research building on Harvard property with a proposed research building on property of The Brigham and Women's Hospital, Inc. The Authority, in approving an amendment to the Development Plan for Planned Development Area No. 10, approved the portion of the bridge that is over land of The Brigham and Women's Hospital, Inc. Thus the violation on the Harvard land has already been given implied approval. Recommend approval.

VOTER: In reference to Petition No. Z-5584, brought by the President and Fellows of Harvard College, 25 Shattuck Street, Roxbury, for a change in the structure of a conditional use and one variance, to construct a pedestrian bridge over Shattuck Street to connect a Harvard research building with a proposed research building on property of The Brigham and Women's Hospital, Inc., the Boston Redevelopment Authority recommends approval. The portion of the bridge over property of The Brigham and Women's Hospital has been approved by the Authority in connection with the Development Plan for Planned Development Area No. 10, as documented in connection with Petition Nos. Z-5580 through 5583.

Z-5584
25 SHATTUCK ST.
(B. P.)

Board of Appeal Referrals 3/18/82

Hearing: 3/30

Z-5570 and -5572
Burger King Corporation (prospective purchaser)
DKT Realty Trust
4594 and 4600 Washington Street, Roslindale
near Blue Ledge Drive

One-story structure

District(s): apartment_____ general business_____ industrial_____
residential_____ local business L-.5 waterfront_____
single family_____ manufacturing_____

Purpose: subdivide; erect one-story Burger King restaurant with drive-through window.

Violation(s):
Section

8-7. Restaurant which sells food or drink prepared for take-out is conditional in an L-.5 district.

8-7. Drive-in restaurant is conditional in an L-.5 district.

23-2. Off-street parking is insufficient.

8-7. Ancillary parking is conditional in an L-.5 district.

18-1. Front yard is insufficient.

Restaurant (86 seats) would be located in High Point Village shopping center on subdivided lot adjacent to supermarket. Traffic circulation and parking arrangements have been worked out with the Traffic and Parking Department, Neighborhood Development Agency, and BRA staff. Sufficient parking is provided by sharing of spaces on shopping center property beyond actual Burger King property lines. Recommend approval.

VOTED: In reference to petitions Z-5570 and -5572, brought by Burger King Corporation and DKT Realty Trust, 4594-4600 Washington Street, Roslindale, for three conditional uses and a variance to subdivide and erect one-story Burger King restaurant with drive-through window in a local business (L-.5) district, the Boston Redevelopment Authority recommends approval. Proposed use would complement shopping center activity, and adequate parking and circulation has been worked out with City staff.

BEECH
EUGENIA
STREET
ORNELL
MENDELSSOHN
MAYON
BRAHMS
STREET
LISZT
STREET
BEECHLAND
STREET
BLHAM
AVE.
STREET
WASHINGTON
SHUBERT ST.
PARKWAY
WASHINGTON BEECH HOUSING DEVELOPMENT BOSTON HOUSING AUTHORITY MASS. R-3
PARKING
WALL
AVENUE
PARKING
STREET
STREET
STREET